

REMARKS/ARGUMENTS

The Office Action dated May 23, 2006 has been carefully considered. Claims 1-9 are pending in the present application with claim 1 being in independent form. A copy of the claims indicating the present status of each is included herewith for the convenience of the Examiner.

Claims 1-9 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,690,230 to Pelly in view of U.S. Patent No. 5,111,373 to Higaki. Reconsideration of this rejection is respectfully requested.

The Examiner contends that Pelly discloses substantially all of the features of claim 1, however, the Examiner concedes that Pelly fails to disclose a power transistor switching stage. The Examiner argues, however, that Higaki teaches a typical SMPS wherein the output stage is connected to a passive EMI filter allegedly to reduce noise or EMI transmission to the load. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to connect the SMPS to the active EMI filter of Pelly in order to provide a low noise and/or reduce the common mode current. Applicant respectfully disagrees.

Pelly, as understood by Applicant, relates to an active filter for reducing common mode current in a pulse width modulating driving circuit. In Pelly, an active filter 11 is provided between an AC input supply source and the input of a pulse width modulated driver. Thus, as the Examiner concedes, Pelly does not disclose the power transistor switching stage required by claim 1 of the present application. It follows that Pelly then also does not disclose “an active EMI filter having an input and an output, the input of the active EMI filter connected to receive the output voltage of the power transistor switching stage,” as is further required by claim 1.

Higaki, as understood by Applicant, relates to a power supply including pulse width modulated control. Higaki discloses an AC power source 1 connected to diodes 2,3 and capacitors 4,5 to provide for AC-DC conversion. A DC-AC inverter circuit including switches 61 and 62 and diodes cross couple across the switches is used to provide an AC signal whose modulation frequency is adjusted by the PWM controller 9. The output of the inverter 6 is provided to a passive filter 7 and to the load 8. Higaki also discloses the use of a common mode choke coil 10 to reduce noise and eliminate common mode current. Higaki makes no mention whatsoever of an active EMI filter at all.

While the Examiner contends that it would have been obvious to combine the switching mode power supply of Higaki with the active filter of Pelly, the Examiner has failed to identify any suggestion or motivation in either Pelly or Higaki, or in the art as a whole, to make the combination that he has suggested. As is well known, "[T]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." See M.P.E.P. §2143.01 III quoting *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

The Examiner argues that the proposed combination would have been obvious in order to provide low noise and/or to reduce the common mode current. However, Higaki discloses the use of a common mode coil 10 to reduce noise and to limit the common mode current. That is, the switching mode power supply of Higaki already allows for a reduction of noise and a reduction of the common mode current. Thus, there would not appear to be any benefit to connecting the switching mode power supply of Higaki to the active EMI filter of Pelly. Therefore, it is respectfully submitted that it would not have been obvious to combine the switching mode power supply of Higaki with the active EMI filter of Pelly.

Accordingly, it is respectfully requested that the rejection of claims 1-9 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Disqualification of Pelly as Prior Art under 35 U.S.C. §103(c)

Further, the combination of references suggested by the Examiner does not render the claims of the present application unpatentable because the present application and the Pelly patent were owned by, or under an obligation to be assigned to, the same company at the time the invention of the present application was made.

More specifically, Application Serial No. 10/650,246 and U.S. Patent No. 6,690,230 were owned by, or under obligation to be assigned to, International Rectifier Corporation at the time the invention of Application Serial No. 10/650,246 was made.

Accordingly, it is respectfully requested that the rejection of claims 1-9 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

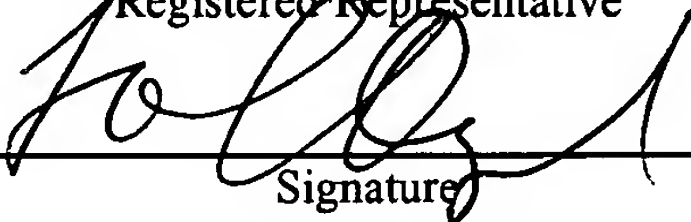
In light of the remarks and amendments made herein, it is respectfully submitted that claims 1-9 of the present application are patentable over the cited art and are in condition for allowance.

Favorable reconsideration of the present application is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 22, 2006:

Louis C. Dujmich

Name of applicant, assignee or
Registered Representative



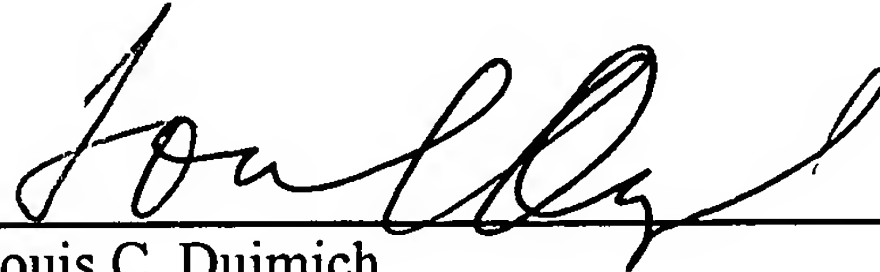
Signature

August 22, 2006

Date of Signature

LCD:KJB

Respectfully submitted,



Louis C. Dujmich

Registration No.: 30,625

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700